

RESOLUTION NO. 2020-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION NO. 2 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES, REGARDING A TEMPORARY MORATORIUM ON EVICTING RESIDENTIAL AND COMMERCIAL TENANTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, Costa Mesa Municipal Code Section 6-6 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550, *et seq.*, including Section 8558(c), authorize the City Council to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, *inter alia*, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, on March 12, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, on March 13, 2020 the City Council pursuant to Resolution No. 20209 did ratify Emergency Proclamation No. 2020-01; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19; and

WHEREAS, the city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been canceled. School closures have occurred and may continue. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for homebound school-age children. As the virus spreads, workers may have to stay home for extended periods; and

WHEREAS, as of 2 p.m. March 30, 2020 there were 6,932 positive cases of COVID-19 and 150 deaths in California; and

WHEREAS, providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population and stabilize the rental housing and rental commercial market by reducing displacement and allow essential businesses and those closed due to the COVID-19 pandemic to survive the emergency; and

WHEREAS, during this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is

needed until the spread of the virus can be minimized and the emergency restrictions lifted; and

WHEREAS, many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary close contact; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue this Regulation No. 2 pursuant to the emergency proclamation related to protection of life and property; and

WHEREAS, on March 27, 2020, Governor Newsom issued executive order N-3720 to protect residential tenants from evictions if they are unable to pay rent due to financial impacts of the COVID-19 emergency. That order gives covered tenants a 60-day extension to answer eviction lawsuits filed from March 27, until May 31, 2020, and that order prevents residential landlords from enforcing any eviction writ during the effective date of that order, which lasts from March 27, 2020, until May 31, 2020; and

WHEREAS, on April 1, 2020, the City Manager, acting as the City's Emergency Services Director issued Regulation No. 2 pursuant to Resolution No. 2020-9, imposing restrictions on both residential and commercial evictions, including necessary notices, proof and 120 days to repay past due rent after the cessation of the emergency; and

WHEREAS, it could be unclear what regulations apply within the City of Costa Mesa; and

WHEREAS, nothing in the Regulation or in this Resolution waives a tenant's obligations to pay back rent owed as required herein once the emergency is no longer in effect.

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Costa Mesa that the City Manager's Regulation No. 2 issued on April 1, 2020 prohibiting specified evictions arising out of COVID-19 Related Financial Impacts, pursuant to the Proclamation of Local Emergency No. 2020-01 dated March 12, 2020 as ratified on March 13, 2020, by Resolution 2020-9, is hereby ratified.

PASSED, APPROVED AND ADOPTED this 7th day of April, 2020:



Katrina Foley, Mayor

ATTEST:

APPROVED AS TO FORM:



Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2020-16 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on 7th day of April, 2020, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: CHAVEZ, MARR, REYNOLDS, STEPHENS,
FOLEY

NOES: COUNCIL MEMBERS: GENIS, MANSOOR

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 8th day of April, 2020.



BRENDA GREEN, CITY CLERK